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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,201

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Jacques Thomasset

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06/08/2009

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EXAMINER

AUGHENBAUGH, WALTER

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

06/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,201	Applicant(s) THOMASSET, JACQUES	
	Examiner WALTER B. AUGHENBAUGH	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/03/09</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgement of Applicant's Amendments

1. Applicant's amendments made in claim 1 in the Amendment filed February 2, 2009 have been received and considered by Examiner.

WITHDRAWN REJECTIONS

2. The rejections of the claims under 35 U.S.C. 102 and 103 made of record in the previous Office Action mailed October 31, 2008 have been withdrawn due to Applicant's amendments made in claim 1 in the Amendment filed February 2, 2009.

NEW OBJECTION

Claim Objections

3. Claims 5 and 6 are objected to because of the following informalities: the language of claim 5 and 6 appears to be contradictory to the language of claim 1. If the second layer is "imprisoned in the first layer" (claim 1), how can the "free ends" of the second layer be "in contact with the outer side of the structure"? Appropriate correction (or clarification) is required.

NEW REJECTION

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishimura et al. (USPN 5,296,278).

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In regard to claim 1, Nishimura et al. teach a synthetic resin multilayer structure having structure that corresponds to the structure claimed in claim 1 (air bag comprising a woven polyester fabric that is impregnated with resin: see, for example, col. 4, lines 21-42 and col. 3, lines 50-54). The impregnating resin of Nishimura et al. corresponds to the claimed first resin layer. Each fiber of the woven fabric independently corresponds to the claimed second resin layer which is imprisoned in the first layer: each fiber of the woven fabric forms a zigzag-shaped double fold because the fabric is a woven fabric. The interweaving of the fibers results in each fiber having a zigzag-shaped double fold.

In regard to claim 2, all articles have at least one axis of symmetry. Air bags comprise an axis of symmetry.

In regard to claim 3, the airbag of Nishimura et al. comprises a central orifice passing through the structure. See, for example, col. 4, lines 21-32.

In regard to claim 4, the portion of the airbag that is adjacent to the opening for inflation (see, for example, col. 4, lines 21-32) corresponds to the claimed tube shoulder.

In regard to claim 5, a free end of the second layer of the airbag of Nishimura et al. is in contact with the outer side of the structure at the level of one of the faces at the end of the fabric composite that is at the opening for inflation.

In regard to claim 6, a free end of the second layer is in contact with the outer side of the structure at the level of the top face, and the other end is in contact with the outer side of the structure at the level of the bottom face at opposite sides of the end of the fabric composite that is at the opening for inflation.

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In regard to claim 7, the second layer comprises a layer of barrier resin (each fiber of the woven fabric independently corresponds to the layer of barrier resin: polyester is a barrier resin, see, for example, col. 2, lines 36-40). The impregnating resin above the fibers corresponds to one of the claimed adhesive layers, and the impregnating resin below the fibers corresponds to the other claimed adhesive layer. The impregnating resin is adhesive resin because it adheres to the fibers of the fabric.

Response to Arguments

6. Applicant's arguments regarding the 35 U.S.C. 102 and 103 rejections of claims are moot due to the withdrawal of these rejections due to Applicant's amendments in independent claim 1 in the Amendment filed February 2, 2009.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter B. Aughenbaugh whose telephone number is (571) 272-1488. While the examiner sets his work schedule under the Increased Flexitime Policy, he can normally be reached on Monday-Friday from 8:45am to 5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Walter B Aughenbaugh /
Examiner, Art Unit 1794

6/04/09

/Rena L. Dye/
Supervisory Patent Examiner, Art Unit 1794